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DYIA Irrevocable Trust, and Depina Consulting, LLC.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:
CHOXI.COM, Inc.,

Debtor.

TRACY KLESTADT, in his capacity as Plan
Administrator of the estate of Choxi.com, Inc.,

Plaintiff,

v.

DEEPAK AGARWAL, MELINA AGARWAL
F/K/A MELINA ASH, SHEELA AGARWAL,
VIPESH AGARWAL, VISHAL AGARWAL,
IFTIKAR AHMED, DANIEL DEPINA, DYIA
IRREVOCABLE TRUST, DEPINA
CONSULTING, LLC, AND TECHSYS
MARKETING, INC.,

Defendants.

Chapter 11

Case No.: 16-13131-SCC

Adv. No. 18-01794-SCC

Declaration of Melina Ash

I, **MELINA ASH**, hereby declare, under penalty of perjury:

1. I am a named defendant in the above referenced action. I submit this declaration in support of defendants' motion to dismiss.

Service of Process

2. I am advised that on or about December 4, 2018, Tracy Klestadt, Plan Administrator of the bankruptcy estate of Choxi.com, Inc. (the "PA"), commenced the above-captioned adversary proceeding by filing a complaint.

3. I am further advised that on or about December 26, 2018, the PA's counsel filed a Certificate of Service certifying that on December 13, 2018 a copy of the Summons and Complaint in the above-captioned adversary action was served on me by first class mail at 100 Barclay Street, Apt 29A, New York, NY 10007.

4. I do not, however, reside at 100 Barclay Street, Apt 29A, New York, NY 10007. Indeed, I do not presently live in the United States.

5. To date, the PA has not served me with a copy of the Complaint in the above-referenced adversary action at my place of abode.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Dated: February 27, 2019

Respectfully submitted,


Melina Ash